

South Beach Development Regulations

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," AT SECTION 7.2.6, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY"; SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT"; SECTION 7.2.12, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT"; AND SECTION 7.2.13, ENTITLED "MIXED USE ENTERTAINMENT DISTRICT"; TO MODIFY HEIGHT LIMITS AND SETBACK REQUIREMENTS IN AREAS OF THE CITY LOCATED SOUTH OF 23RD STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Architectural District is a National Register Historic District that was designated in 1979; and

WHEREAS, the Architectural District's boundaries generally span from 6th Street in the South to approximately 23rd Street and Collins Canal in the north, and the Atlantic Ocean on the east and Alton Court on the west; and

WHEREAS, the Architectural District holds the largest collection of Art Deco buildings in the world as well as a range of other architectural styles; and

WHEREAS, properties fronting Ocean Drive and Collins Avenue that have a zoning designation of MXE Mixed Use Entertainment are located in the Ocean Drive/Collins Avenue Historic District, as well as the Miami Beach Architectural National Register Historic District; and

WHEREAS, Ocean Drive and Collins Avenue are two of the premier streets in Miami Beach and provide residents and visitors with a unique cultural, retail, and dining experience and are vital to Miami Beach's economy, especially the tourism industry; and

WHEREAS, the Architectural District and the beaches in the South Beach neighborhood are major attractions of vital importance to the City's economy; and

WHEREAS, it is in the best interest of the City to ensure that shade on the beaches and oceanfront parks in the South Beach neighborhood is minimized in order to provide the best experience for users; and

WHEREAS, it is in the best interest of the City to ensure that new development within and in the proximity of the Architectural District is compatible with the contributing buildings in the historic district; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 7, entitled “Zoning Districts and Regulations, Article II, entitled “District Regulations,” at Section 7.2.6, “RM-3 Residential Multifamily District,” is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS
 * * *
ARTICLE II. – DISTRICT REGULATIONS
 * * *

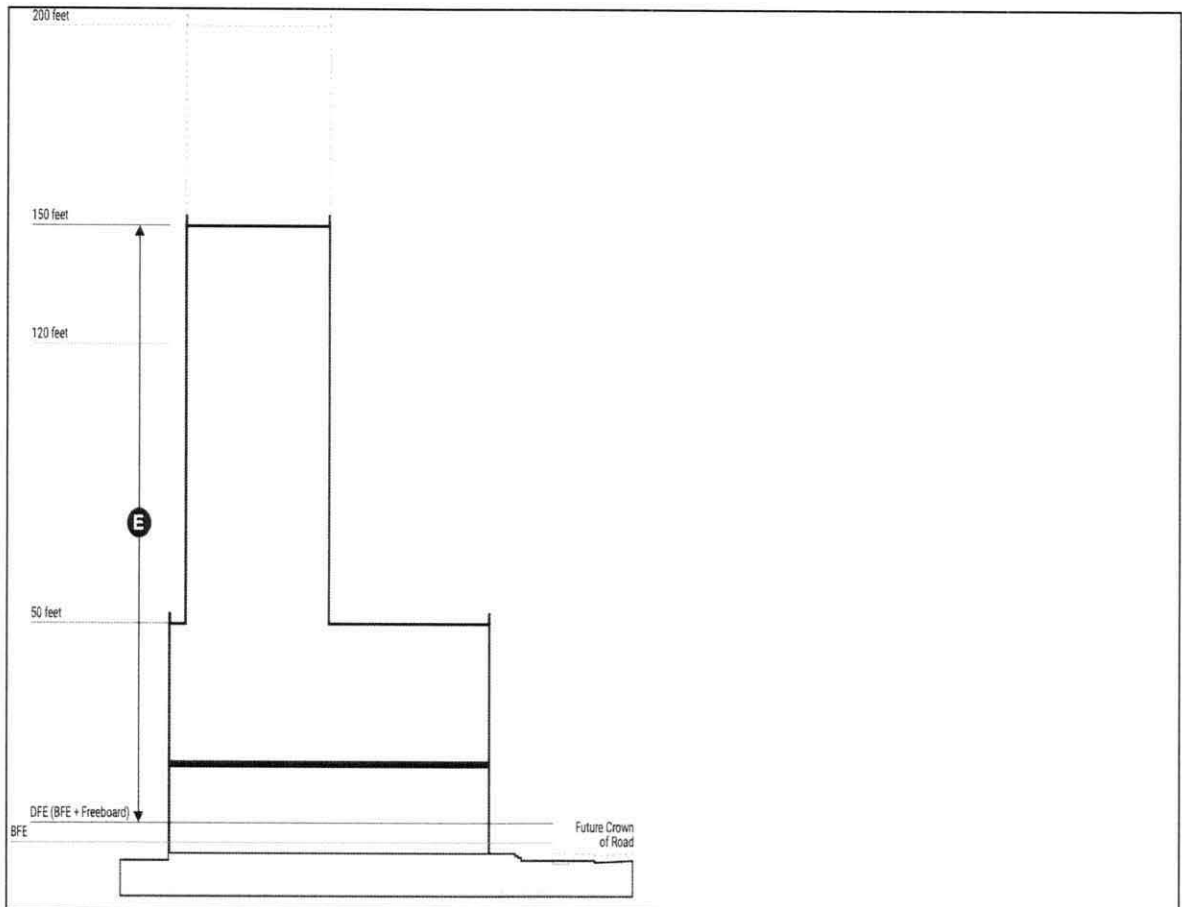
7.2.6 RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

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7.2.6.3 Development Regulations (RM-3)

a. The development regulations in the RM-3 residential multifamily, medium intensity district are as follows:

DEVELOPMENT REGULATIONS TABLE (RM-3)	
* * *	
BUILDING HEIGHT	
Maximum Height (E)	150 feet (5) (6)
Oceanfront lots	200 feet north of 23 rd Street; 150 feet south of 23 rd Street
Architectural district, New Construction	120 feet (5)
Ground floor additions (whether attached or detached) to existing structures on oceanfront lots	50 feet (3)



- (1) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0
- (2) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.
- (3) Except as provided in section 7.5.2.
- (4) Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic district buildings may follow existing nonconforming side, interior pedestal setbacks.
- (5) Notwithstanding the above, oceanfront lots located in the Miami Beach Architectural District shall be permitted to construct detached additions at a height not to exceed 25 feet and shall have setback requirements as follows:
 1. Side, interior: 5 feet.
 2. Side, street: 5 feet.
 3. Rear: 10 percent (10%) of lot depth or the western edge of the Oceanfront Overlay, whichever is greater.
- (6) In the Morris Lapidus/Mid-20th Century Historic District the following shall apply: Roof-top additions, whether attached or detached, may follow the established lines of

the interior side setbacks of the existing structure on the site, subject to the review of the historic preservation board.

- (7) Excluding Accessory Building.
- (8) For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.
- (9) The number of units may not exceed the maximum density set forth in the comprehensive plan.

SECTION 2. Chapter 7, entitled “Zoning Districts and Regulations, Article II, entitled “District Regulations,” at Section 7.2.11, “CD-2 Commercial, Medium Intensity District,” is hereby amended as follows:

7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.5 WASHINGTON AVENUE (CD-2)

a. Location and Purpose (Washington Ave – CD-2)

The following regulations shall apply to properties that front Washington Avenue between 6th Street and 16th Street.

b. Development Regulations (Washington Ave – CD-2)

The following regulations shall apply to properties that front Washington Avenue between 6th Street and 15th Street, referred to herein as "South Washington Avenue," and between 15th Street and 16th Street, referred to herein as "North Washington Avenue,;" in the event of a conflict within this division, the regulations below shall apply:

DEVELOPMENT REGULATIONS TABLE (WASHINGTON AVE - CD-2)	
Maximum FAR	1.5
Maximum Density (Dwelling Units Per Acre)	100 DUA
Minimum and minimum average Unit Size (square feet)	See section 7.2.11.3.a
Supplemental Minimum Unit Size	See section 7.2.11.5.c. below.
LOT OCCUPATION	

Minimum Lot Area (square feet)	None
Minimum Lot Width (feet)	None
Maximum Lot Coverage (% of lot area)	None
BUILDING SETBACKS	Lots with frontage equal or less than 100 feet (Pursuant to section 7.2.11.3.a)
BUILDING SETBACKS	Lots with frontage greater than 100 feet
Front Setback (A)	
Subterranean	0 feet
Ground Level	0 feet (See section 7.1.2.2)
Above the ground level up to 35 feet in height	5 feet min (for parking garages with liners)
	10 feet min (for parking garages without liners)
	15 feet min (for all other uses)
Above 35 feet in height up to 75 feet	5 feet min (for parking garages with liners)
	10 feet min (for parking garages without liners)
	30 feet min (for all other uses)
Above 75 feet in height	110 feet
Side, Facing a Street Setback (B)	
Subterranean	0 feet
Nonresidential Uses	0 feet (See section 7.1.2.2)
Residential and Hotel Uses	7.5 feet (See section 7.1.2.2)
Above 75 feet in height for all uses	45 feet
Side, Interior Setback (C)	
Subterranean	0 feet
Nonresidential Uses	0 feet
Residential and Hotel Uses	7.5 feet or 8% of lot width (whichever is greater, up to 10 feet)
	7.5 feet (when abutting a nonresidential or non-hotel use)
Above 75 feet for all uses	45 feet
Rear Setback (D)	

Subterranean	0 feet
Ground Level	0 feet
Above the Ground Level	10 % of lot depth
	0 feet (for parking garage floors above the minimum truck clearance)

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7.2.11.7 ALTON ROAD GATEWAY AREA (CD-2)

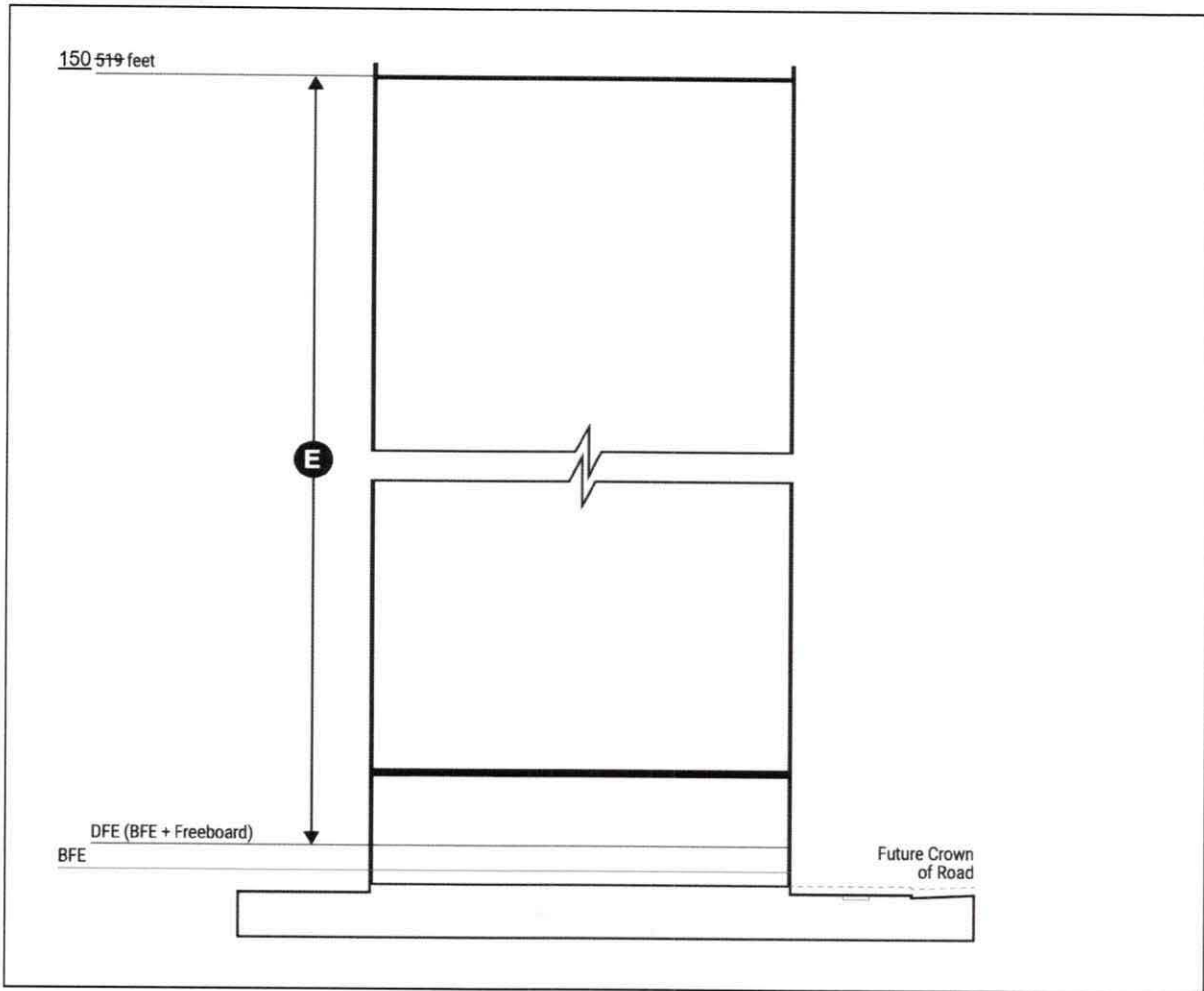
a. Location and Purpose (Alton Road Gateway Area- CD-2)

The Alton Road Gateway Area incorporates the parcels in the area bounded by 8th Street on the north, Alton Road on the east, 5th Street/MacArthur Causeway/SR A1A on the south, and West Avenue on the west; excluding lots 15 through 22 of the Amended Fleetwood Subdivision, according to the plat thereof recorded in Plat Book 28, page 34, of the Public Records of Miami-Dade County, Florida.

b. Development Regulations (Alton Road Gateway Area- CD-2)

The following regulations shall apply to properties in the Alton Road Gateway Area.

DEVELOPMENT REGULATIONS TABLE (ALTON ROAD GATEWAY AREA- CD-2)	
* * *	
BUILDING HEIGHT	
Maximum Height	
Main Use Residential	51 <u>150</u> feet (1)
Non-Residential	40 feet (1)



SECTION 3. Chapter 7, entitled “Zoning Districts and Regulations, Article II, entitled “District Regulations,” at Section 7.2.13, “Mixed Use Entertainment District,” is hereby amended as follows:

7.2.13 MIXED USE ENTERTAINMENT DISTRICT

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7.2.13.3 Development Regulations (MXE)

a. The development regulations in the MXE mixed use entertainment district are as follows:

DEVELOPMENT REGULATIONS TABLE (MXE)		
* * *		
BUILDING SETBACKS		
Front Setback (A)	Oceanfront	Non-Oceanfront
Subterranean	N/A	N/A
Pedestal	50 feet (3)	10 feet

Lots 100 feet in width or greater	N/A	20 feet
Tower	50 <u>110</u> feet	50 <u>110</u> feet
Front Setback (A) <i>Lots 100 ft in width or greater with a ten-foot-deep covered terrace running substantially the full width of the building front.</i>	Oceanfront	Non-Oceanfront
Pedestal	N/A	5 feet (4) <i>Furthermore, the front setback shall be extended to include at least one forecourt, open to the sky, with a minimum width of 10 feet and a minimum area of 3 square feet for every linear foot of lot frontage.</i>
Tower	N/A <u>110</u> feet	50 <u>110</u> feet (4)
Side, Facing a Street Setback (B)	Oceanfront	Non-Oceanfront
Subterranean	N/A	N/A
Pedestal	15 % of the lot width + 5 feet (4)	10 % of the lot width + 5 feet, not to exceed 25 feet. (4)
Lots less than 100 feet in width		5 feet (4)
Tower		40 <u>25</u> % of the lot width + 5 feet, not to exceed 25 feet. (4)
Lots less than 100 ft in width		<u>45</u> feet (4)
Side, Facing a Street Setback (B) <i>Lots 100 feet in width or greater with a ten foot-deep terrace running substantially the full side length of the building, with a minimum floor-to-ceiling height of 12 feet</i>	Oceanfront	Non-Oceanfront
Pedestal	N/A	5 feet (4)

		<p>Furthermore, the setback shall be extended to include at least one forecourt, open to the sky, with a minimum of 1,000 square feet and a minimum average depth of 20 feet. The long edge of the forecourt shall be along the side property line. The area of the forecourt shall be increased by an additional 50 square feet for every one foot of building height above 30 feet as measured from grade.</p>
Tower		7.5 <u>45 feet</u> (4)
Side, Interior Setback ©	Oceanfront	Non-Oceanfront
Subterranean	N/A	N/A
Pedestal		5 feet (4)
Tower	15 % of the lot width (4)	7.5 feet (4) 25 feet (Architectural District) (4)
Rear Setback ④	Oceanfront	Non-Oceanfront
Subterranean	N/A	N/A
Pedestal		10 feet (4)
Tower	25 percent (25%) of the lot depth or 75 feet minimum from the bulkhead line, whichever is greater (4)	10 feet (In Architectural District if abutting and alley) (4)

(1) Rooftop additions.

- **Restrictions.** There shall be no rooftop additions to existing structures in the following areas: non-oceanfront lots fronting Ocean Drive in the MXE zoning district. No variance from this provision shall be granted.

- **Additional regulations.** Existing structures within an historic district shall only be permitted to have habitable one-story rooftop additions (whether attached or detached), with a maximum floor to ceiling height of 12 feet except as hereinafter provided. No variance from this provision shall be granted. The additions shall not be visible when viewed at eye level (5 feet and 6 inches from grade) from the opposite side of the adjacent right-of-way; for corner properties, said additions shall also not be visible when viewed at eye level from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way. Notwithstanding the foregoing, the line-of-sight requirement may be modified as deemed appropriate by the historic preservation board based upon the following criteria: (i) the addition enhances the architectural contextual balance of the surrounding area; (ii) the addition is appropriate to the scale and architecture of the existing building; (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements.

(2) An additional 5 feet of height is allowed if the nonresidential first habitable level is at least 14 feet in height, as measured from DFE, to the top of the second floor slab.

(3) Sculptures, fountains or architectural features when approved by the design review board are permitted in the required front yard.

(4) Existing structures which are being substantially renovated are permitted to retain the existing setback areas; however, the setback area shall not be reduced. When additional floors are constructed, they shall be permitted to retain the same setbacks as the existing floors. The provisions of Section 2.12.19 relating to bulk shall not be applicable to the foregoing setback requirements.

(5) The number of units may not exceed the maximum density set forth in the comprehensive plan.

(6) Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the average unit size requirements established above, subject to the following conditions:

- **Density.** The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.

- **Minimum Unit Size.** This incentive shall not be construed to permit any unit that is smaller than the minimum allowable unit size for the type of unit being proposed.

- **Covenant.** In order to be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day.

b. Regulations for new construction. (MXE)

In the MXE district, all floors of a building containing parking spaces shall comply with section 7.1.6.

c. Lot aggregation. (MXE)

No more than two (2) contiguous platted lots may be aggregated for development purposes.

SECTION 4. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2024

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 12-4-23
City Attorney NK Date

First Reading: December 13, 2023
Second Reading: January __, 2024

Verified by: _____
Thomas R. Mooney, AICP
Planning Director